

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

**EDWARD LENTZ, on Behalf of
Himself and All Other Employees
Similarly Situated**

Plaintiffs,

409

**SPANKY'S RESTAURANT II, INC.
d/b/a DOUBLE NICKEL
STEAKHOUSE**

Defendant.

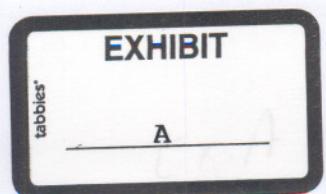
**Civil Action No. 5-06CV0285-C
ECF**

AFFIDAVIT OF EDWARD LENTZ

**STATE OF TEXAS
COUNTY OF HARRIS**

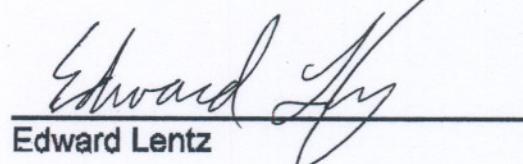
On this day, Edward Lentz appeared before me, the undersigned notary public, and after I administered an oath to him, upon his oath, he said:

1. "My name is Edward Lentz. I am over the age of twenty-one years, of sound mind, and competent to make this affidavit. The facts stated within this affidavit are within my personal knowledge and are true and correct.
2. I was employed by Spanky's Restaurant II, Inc. d/b/a Double Nickel Steakhouse and Lady West Enterprises, Ltd., d/b/a Double Nickel Steakhouse (collectively referred to as "Double Nickel") from September, 2005 to May, 2006. During this period of employment, I worked as waiter.
3. During my tenure at Double Nickel, I was paid an hourly wage of \$2.13 plus tips from a tip pool. I regularly received more than \$30.00 a month in tips. I was required to share tips with non-service personnel such as kitchen expediters who strictly worked in the kitchen and never interacted with customers. After I left employment of the Double Nickel, the manager was included in the tip pool.



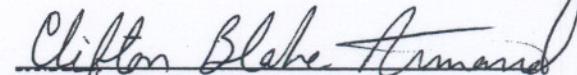
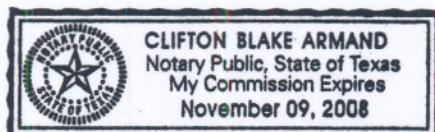
4. Other employees of Double Nickel were similarly required to include non-service personnel in their tip pool. Specifically, I am aware of many waitstaff who had to include kitchen expediters and others in their tip pools. There was a uniform policy at Double Nickel whereby all waitstaff were required to include non-service personnel, such as kitchen expediters, in their tip pool.
5. There were approximately 20 other waitstaff working for Double Nickel during my tenure there. I would interact with these people every day and we would often talk about the fact that we had to include non-service personnel in our tip pool."

FURTHER AFFIDAVIT SAITH NOT.



Edward Lentz

SUBSCRIBED AND SWORN TO BEFORE ME, on this 14th day of March, 2007, by Edward Lentz.



Clifton Blake Armand
Notary Public in and for
The State of Texas